

Based upon the evidence presented and for purposes of preliminary hearing, the Appeals Board finds the Administrative Law Judge is given the authority by K.S.A. 1990 Supp. 44-510g to decide issues pertaining to vocational rehabilitation benefits. Likewise, K.S.A. 44-534a grants the Administrative Law Judge the authority to determine entitlement to temporary total disability benefits for medical reasons. The claimant may dispute the factual findings made by the Administrative Law Judge that support the denial of vocational rehabilitation and temporary total, but this does not deprive the Administrative Law Judge of his authority to make such findings and order.

After examining both K.S.A. 44-551, as amended by Senate Bill 59, and K.S.A. 44-534a, the Appeals Board finds the subject Order of January 12, 1995, is neither a final order which can be reviewed by the Appeals Board nor does this appeal raise one of the issues considered jurisdictional under K.S.A. 44-534a. Consequently, the Appeals Board does not have jurisdiction to review the issues raised by this appeal. The claimant argues the Appeals Board has jurisdiction because the respondent has raised the issue whether the psychological condition is related to claimant's accidental injury. The argument is without merit. The question whether claimant's psychiatric difficulties are related to the work accident or some other source of distress deals with the issue of nature and extent of injury rather than one of the jurisdictional issues enumerated in K.S.A. 44-534a.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that this appeal should be, and hereby is, dismissed. The Preliminary Hearing Order entered by Administrative Law Judge Robert H. Foerschler on January 12, 1995, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of March, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Miles D. Mustain, Kansas City, KS
Ronald J. Laskowski, Topeka, KS
Robert H. Foerschler, Administrative Law Judge
George Gomez, Director